

JUDGE ROBERT S. LASNIK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	NO. CR20-127RSL
)	
Plaintiff,)	UNOPPOSED SECOND MOTION TO
)	CONTINUE TRIAL AND PRETRIAL
vs.)	MOTIONS DUE DATE
)	
GARY BOWSER,)	
)	
Defendant.)	

Defendant, Gary Bowser, by his attorneys, Federal Public Defender Michael Filipovic and Assistant Federal Public Defender Christopher M. Sanders, respectfully request that this Court continue the currently set trial date of July 26, 2021, to November 15, 2021, and the pretrial motions deadline to October 7, 2021. This request is based on the complexity of the case and the ongoing need for frequent meetings between defense counsel and Mr. Bowser while certain COVID-19 restrictions remain in place. The government, through Assistant United States Attorney Francis Franzen-Nakamura, does not oppose this motion.

In support of the motion, the defense states the following:

On August 20, 2020, an Indictment was filed charging Mr. Bowser with Conspiracy to Commit Wire Fraud (Count 1), in violation of Title 18 U.S.C. § 1343; Wire Fraud (Counts 2-5), in violation of Title 18 U.S.C. § 1343; Conspiracy to Circumvent Technological Measures and to Traffic in Circumvention Devices (Count 6), in violation of Title 17 U.S.C. §§ 1201(a)(1)(A), 1204(a)(1) and 1201(a)(2)(A);

UNOPPOSED MOTION TO
CONTINUE TRIAL AND PRETRIAL
MOTIONS DUE DATE - 1
(Gary Bowser; CR20-127RSL)

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1 Trafficking in Circumvention Devices (Counts 7-10), in violation of Title 17 U.S.C. §§
2 1201(a)(2)(A) and 1204(a)(1); and Conspiracy to Commit Money Laundering (Count
3 11), in violation of Title 18 U.S.C. § 1956.

4 Mr. Bowser was arrested on a warrant in New Jersey on October 2, 2020, and
5 brought before Magistrate Judge Mary Alice Theiler on November 25, 2020, for his
6 initial appearance and arraignment. Mr. Bowser pled not guilty to the charges and trial
7 was set for February 1, 2021, with pretrial motions due by December 16, 2020. At the
8 December 3, 2020 detention hearing, Mr. Bowser was ordered detained and remains at
9 the Federal Detention Center SeaTac.

10 On January 11, 2021, this Court granted the defendant's unopposed motion to
11 continue the trial date to July 26, 2021, and pretrial motions due date to June 21, 2021.

12 This is a complex technology based case that contains multiple counts. The
13 discovery includes multiple terabytes of data. Further complicating the case is the fact
14 that it involves multiple co-defendants. Defense counsel will need to meet with Mr.
15 Bowser frequently to review discovery and to prepare defenses while navigating certain
16 COVID-19 restrictions that remain in place. Defense counsel cannot be ready for trial
17 within the requisite time period set forth by the Speedy Trial Act with those realities in
18 mind.

19 For these reasons, Mr. Bowser requests the Court find that:

20 (a) taking into account the exercise of due diligence, a failure to grant a
21 continuance would deny counsel for the defendant the reasonable time necessary for
22 effective preparation, due to counsel's need for more time to review the evidence,
23 consider possible defenses, and gather evidence material to the defense as set forth in
24 18 U.S.C. § 3161(h)(7)(B)(iv); and

25 (b) a failure to grant a continuance would likely result in a miscarriage of justice
26 as set forth in 18 U.S.C. § 3161(h)(7)(B)(i); and

1 (c) the additional time requested will be a reasonable period of delay, as the
2 defendant has requested more time to prepare for trial, to investigate the matter, to
3 gather evidence material to the defense, and to consider possible defenses; and

4 (d) the additional time requested between the current pretrial motions due date
5 of June 21, 2021, and any newly scheduled motions date will be necessary to provide
6 counsel for the defendant reasonable time to prepare for any motions that we are
currently investigating.

7 Therefore, Mr. Bowser, through counsel, respectfully requests a continuance of
8 the trial date to November 15, 2021, and the pretrial motions deadline to October 7,
9 2021. The parties further ask the Court to exclude the time period from the date of the
10 Court's order to the new trial date for purposes of computing the time limitations
11 imposed by the Speedy Trial Act. Mr. Bowser has authorized defense counsel to
12 execute a speedy trial waiver on his behalf through November 30, 2021, pursuant to the
13 Speedy Trial Act, 18 U.S.C. §§ 3161-3174.

14 DATED this 23rd day of June, 2021.

15 Respectfully submitted,

16
17 *s/ Michael Filipovic and*
18 *s/ Christopher M. Sanders*
19 Attorneys for Gary Bowser
Office of the Federal Public Defender